S.B. Criminal Misc. Bail Application No.2817/2006
Date : 10.07..2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Mridul Jain for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the prosecurtix is not minor as according to medical evidence her age is above 16 years. He submits that statement of the prosecutrix recorded under Section 161 Cr.P.C. Would also indicate that the prosecutrix was willing party and she herself went to field of the accused-applicant, therefore, it cannot be said rape was committed by him. In last, he prays that the accused-applicant may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Dinesh Sharma son of Bal Kishan Sharma shall be released on bail in FIR No.157/2006 P.S. Anupgarh, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.